

## **REMARKS**

Claims 22-121 are pending in the Application and all have been rejected in the Office action mailed October 14, 2009. Claims 22, 38, 58, 65, 82, and 102 are amended and claims 24, 40, 67, 84, and 104 are cancelled by this response. Claims 22, 38, 58, 65, 82, and 102 are independent claims, from which claims 23 and 25-37, claims 39 and 41-57, claims 59-64, claims 66 and 68-81, claims 83 and 85-101, and claims 103 and 105-121 depend, respectively.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

M.P.E.P. §2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

Applicants respectfully note that claims 22, 38, 58, 65, 82, and 102 have been amended to include aspects of respective dependent claims 24, 40, 67, 84, and 104, which have been cancelled, and that these amendments to claims 22, 38, 58, 65, 82,

and 102 do not add new matter, nor do they raise new issues that would necessitate a further search.

## **Rejections of Claims**

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman, et al. (US 5,737,328, hereinafter "Norman") in view of Chu, et al. (US 5,890,055, hereinafter "Chu"). Claims 24, 34-36, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, and further in view of Wadin (US 5,491,739). Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu and Spiegel (US 5,649,108). Applicants respectfully traverse the rejections. Applicants respectfully note that all of the claims in the Application are rejected for alleged reasons of obviousness.

Applicants first review the requirements for a rejection based upon obviousness. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

M.P.E.P. §2143.03 also makes it clear that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness, for at least the reasons offered during prosecution, and those set forth below.

**I. The Proposed Combination Of Norman And Chu Does Not Render Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, And 105-114 Unpatentable**

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu. Applicants respectfully traverse the rejection.

**With regard to independent claim 22**, Applicants respectfully submit that claim 22 has been amended to include the features of dependent claim 24, so that claim 22 now recites "[a] method of operating a communication system, the method comprising: sending, by a first terminal via a communication link, a message requesting routing of a call from the first terminal to a second terminal; receiving, by the first terminal via the communication link, a message comprising call routing information identifying call routes through a network; selecting, at the first terminal, a call route based upon the call routing information, the selecting comprising providing a user of the first terminal with call routing options using the call routing information, and receiving from the user of the first terminal an indication of a selected call route; and transmitting, by the first terminal via the communication link, a message requesting setup of the call from the first terminal to the second terminal using the selected call route." Independent claims 38,

58, 65, 82, and 102 have been amended to recite similar language. Applicants respectfully submit that the cited art does not teach or suggest all of the features of Applicants' amended claim 22.

The rejection of the features of dependent claim 24, which have been incorporated into independent claim 22 by the present amendment, states the following, at page 11:

In consideration of claim 24, 40, 67, 84, and 104, Norman teaches the limitations of claim 22, but does not provide a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route.

Wadin teaches of providing a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route.(1:[0015] read [a] communication system which enables communication link establishment between two Second Generation Cordless Telephones CT-2) having pagers is the Glenayre MODULAR VOICE PROCESSING.TM. System (MVP.TM .) manufactured by Glenayre Technologies, Inc. A calling party dials an MVP access number Le. Receiving from the user an indication of a selected call route, and the MVP responds by sending a prompt requesting the caller to enter the phone number and record heir name The caller is put on hold and may continue to hold or leave a message. The subscriber is notified of the call waiting and dials an MVP access number and enters a password. The MVP announces the call and the routing options available to the subscriber. The subscriber can choose to connect the call, continue to hold the call, or transfer the call i.e. user with call routing options using the call routing information)

Applicants appreciate recognition by the Office that Norman does not teach "provid[ing] a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route." The Office does not assert that Chu provides the support required to overcome the admitted deficiencies of Norman. However, the Office then relies on Wadin to teach these admitted deficiencies

of Norman, citing Wadin beginning at column 1, line 15. Applicants now address Wadin, beginning at column 1, lines 13-26, which recites:

A communication system which enables communication link establishment between two Second Generation Cordless Telephones (CT-2) having pagers is the Glenayre MODULAR VOICE PROCESSING™ system (MVPT™) manufactured by Glenayre Technologies, Inc. A calling party dials an MVP access number and the MVP responds by sending a prompt requesting the caller to enter the phone number and record their name. The caller is put on hold and may continue to hold or leave a message. The subscriber is notified of the call waiting and dials an MVP access number and enters a password. The MVP announces the call and the routing options available to the subscriber. The subscriber can choose to connect the call, continue to hold the call, or transfer the call.

The above portion of Wadin was specifically selected by the Office and incorporated into the text of the rejection, without explanation of its alleged teachings. The cited portion shown above teaches that a "caller" [having dialed an "MVP system" access number] is sent a prompt to enter a phone number and record their name. The "caller" is put on hold. The "subscriber" is notified of the call waiting, dials an "MVP" access number, and enters a password. The "MVP" announces the call and the "routing options" available to the "subscriber." Those options include "connect the call," "hold the call," and "transfer the call." Applicants respectfully submit that the cited text shown above is being misinterpreted by the Office, and does not teach or suggest the features of Applicants' claim 24. To help better understand the cited text of Wadin, Applicants now look at the portion of Wadin that immediately follows the portion cited by the Office, at column 1, lines 27-50, which states:

A CT-2 Telepoint system using the MVP system is shown in FIG. 1. A call between a first handset having a pager 102, which will be referred to as the calling party, and a second handset with pager 104, which will be referred to as the subscriber, are processed through the MVP system 112. Calling party 102 establishes a communication link with

a first base station 106 and dials in an access number. This access number will route the calling party 102 through the Public System Telephone Network (PSTN) 110 to the MVP system 112. Calling party 102 then enters the phone number for the handset 104 in response to a prompt sent by the MVP 112. The MVP system assigns a telephone line number based on the line the call came in on and looks up the pager number associated with the phone number that was entered. The MVP system 112 generates a page and sends the assigned telephone line number reserved for connection to the subscriber 104 using a paging terminal 116. The paging terminal 116 pages the second handset 104 with the assigned telephone line number while the calling party 102 is placed on hold for a predetermined time during the interconnect process. If the predetermined time elapses without interconnect, the MVP system 112 indicates to the calling party 102 that the subscriber 104 is not available and to leave a voice message, or try to call again later.

The portion of Wadin at column 1, lines 27-50 teaches that a "calling party" operating a "first handset 102" dials an access number which routes the calling party through the PSTN to the "MVP system 112." The "calling party" [using "first handset 102"] then enters the phone number for the "subscriber" [i.e., the phone number of the "called party" at "second handset 104."] The "MVP system 112" then assigns a telephone line number to the incoming call [i.e., from the "first handset 102"], and looks up the "pager number" associated with the phone number of the "subscriber." The "MVP system 112" then causes "paging terminal 116" to send a "page" with the telephone number assigned to the incoming call [i.e., from the "calling party" at "first handset 102"] to the "second handset 104" [i.e., the "subscriber"]. The "MVP system 112" places the call from the "first handset 102" on hold, for a "predetermined" amount of time. Thus, Wadin teaches that a "calling party" places a call to an intermediate system, enters the number of a "called party" and is placed on hold, and the "called party" is sent a "page." Applicants now review Wadin at column 1, lines 51-63, which recite:

The subscriber 104, upon receipt of the page, also has a predetermined time period to respond to the page and be connected. The subscriber's page indicates a call is holding. By entering an MVP access code and choosing to connect the call, the subscriber 104 is linked to a second base station 108, which calls back the assigned telephone line number. The call connection is made from the second base station 108 through an interconnect to the PSTN 110 and from the PSTN through an interconnect to the MVP 112. The MVP system 112 then interconnects the returned subscriber call to the holding calling party 102 through the first base station 106.

The portion of Wadin shown above explains that the "subscriber" [i.e., at the "second handset 104"] receives the "page" [from the "MVP system 112"], which indicates that a call [from the "calling party" at "first handset 102"] is holding. The "subscriber" [i.e., the user of the "second handset 104"] can then enter an "access code" [for the "MVP system 112"] and choose to connect the call, at which time the "subscriber" [i.e., the user of the "second handset 104"] is linked to a "base station" which calls the telephone number assigned when the user of the "first handset 102" placed the call. A call connection is then made from the "second handset 104" through "second base station 108," the "MVP system 112," and "first base station 106" to the "first handset 102." Thus, this portion of Wadin teaches that the "subscriber" [i.e., the "called party," user of "second handset 104"] is notified of the incoming call from the "calling party" [i.e., the user of "first handset 102"] and that the "subscriber" [i.e., the user of "second handset 104"] chooses to connect to the "calling party" back through the "MVP system 112."

Applicants respectfully submit that the cited portion of Wadin at column 1, lines 13-26 does not, however, teach or suggest, at least, "providing a user of the first terminal with call routing options [from the first terminal to a second terminal ] using the call routing information" **and** "receiving from the user of the first terminal an indication of a selected call route [from the first terminal to the second terminal]," as required by Applicants' claim 22 that incorporates the features of claim 24. Applicants respectfully

submit that the "calling party" [i.e., the user of "first handset 102"] of Wadin simply places a call to the "MVP system 112" and is automatically placed on hold for a "predetermined" amount of time while the "subscriber" [i.e., the "called party" user of "second handset 104"] is sent a "page." Applicants respectfully submit that the "calling party" is not provided call routing options [from the first terminal to a second terminal] using "call routing information," let alone any teaching of the "first handset 102" requesting such information, as required by amended claim 22. Further, Wadin fails to teach or suggest that the "calling party" [i.e., the user of "first handset 102"] selects a call route [from the first terminal to the second terminal], let alone that an indication of such a selection by the first user is sent or transmitted to anything, as required by amended claim 22. Applicants also respectfully submit that even the "subscriber" or "called party," in choosing to connect back to the "calling party," also does not choose a call route, in accordance with Applicants' claim 22.

Applicants respectfully submit that the Office has admitted that "Norman does not provide a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route." *Id.* at page 11. Further, the Office does not assert that Chu remedies these deficiencies of Norman, and relies instead on Wadin. Applicants have demonstrated above, however, that Wadin does not overcome the admitted shortcomings of Norman, as asserted by the Office. Therefore, Applicants respectfully submit that the Office has not shown that Norman, Chu, and Wadin, taken alone or in combination, teach or suggest, at least, "the selecting comprising providing a user of the first terminal with call routing options using the call routing information, and receiving from the user of the first terminal an indication of a selected call route," and has therefore not met the requirements to establish a *prima facie* case of obviousness. Therefore, the Office has not shown that the subject matter of claim 24, now incorporated into claim 22, is rendered unpatentable by Norman, Chu, and Wadin.

In addition, Applicants respectfully submit that the Office has failed to provide the "explicit analysis" required by MPEP §2142, to explain how the cited portion of Wadin at



column 1, lines 13-26 teaches or suggests the subject matter of claim 24, and therefore does not establish *prima facie* case of obviousness, for at least that reason alone.

Therefore, Applicants respectfully submit that claim 22, as amended, and any claims that depend therefrom, are allowable over the cited combination of art, for at least the reasons set forth above.

**With regard to claims 38, 65, 82, and 102**, Applicants respectfully submit that claims 38, 65, 82, and 102 have been amended to incorporate features of dependent claims 40, 67, 84, and 104, respectively. Applicants respectfully submit that claims 38, 65, 82, and 102 were rejected over the same art for substantially the same reasons set forth in the rejection of claim 22. Further, claims 40, 67, 84, and 104 were rejected over the same art for the same reasons set forth in the rejection of claim 24. For at least these reasons, Applicants respectfully submit that amended claims 38, 65, 82, and 102, and any claims that depend therefrom, are therefore allowable over Norman, Chu, and Wadin, taken alone or in any combination, for at least the reasons set forth above with respect to claim 22.

**With regard to claim 58**, Applicants respectfully submit that claim 58 recites features similar to claims 22, 38, 65, 82, and 102, and that claim 58 has been amended in a manner similar to the amendments made to claims 22, 38, 65, 82, and 102. Applicants further respectfully submit that claim 58 was rejected over the same art for substantially the same reasons set forth in the rejections of claims 22, 38, 65, 82, and 102. Therefore, Applicants respectfully submit that amended claim 58 and any claims that depend therefrom are, therefore, allowable over Norman, Chu, and Wadin, taken alone or in any combination, for at least some of the reasons set forth above with respect to claims 22, 38, 65, 82, and 102.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness with respect to amended claims 22, 38, 58, 65, 82, and 102, that claims 22, 38, 58, 65, 82, and 102 are not rendered unpatentable by Norman, Chu, and/or Wadin, and that claims 22, 28, 58,

65, 82, and 102, and any claims that depend therefrom, are allowable. Accordingly, Applicants respectfully request that the rejection of claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 under 35 USC §103(a) be reconsidered and withdrawn.

**II. The Proposed Combination Of Norman, Chu, And Wadin Does Not Render Claims 24, 34-36, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, And 117-121 Unpatentable**

Claims 24, 34-36, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, and further in view of Wadin (US 5,491,739). Applicants respectfully traverse the rejection.

Initially, Applicants have previously addressed the rejection of claims 24, 40, 67, 84, and 104, above, with respect to the rejection of respective independent claims 22, 38, 65, 82, and 102, and have cancelled claims 24, 40, 67, 84, and 104. Applicants respectfully submit that claims 34-36, 53-57, 77-79, 97-101, and 117-121 depend directly or indirectly from independent claims 22, 38, 58, 65, 82, and 102, respectively, and that independent claims 22, 38, 58, 65, 82, and 102 have been shown to be allowable over the proposed combination of references, for at least the reasons set forth above. Because claims 22, 38, 58, 65, 82, and 102 are allowable over the proposed combination of Norman, Chu, and Wadin, Applicants respectfully submit that claims 34-36, 53-57, 59, 60, 77-79, 97-101, and 117-121 that depend therefrom are also allowable over the cited art, for at least the same reasons. Applicants respectfully submit that claims 56, 57, 59, 60, 100, 101, 120, and 121 are allowable for additional reasons.

**With regard to claims 56 and 57,** Applicants respectfully submit that claim 56 recites "wherein the establishing comprises converting analog representations of voice signals to digital representations of voice signals, and converting digital representations of voice signals to analog representations of voice signals." Claims 59, 100, and 120 recite similar language. Applicants respectfully submit that claim 57 recites "wherein the

converting digital representations of voice signals to analog representations of voice signals comprises buffering the digital representations for a period of time in order to minimize gaps in the resulting analog representation caused by changes in a propagation delay." Claims 60, 101, and 121 recite similar language.

The Office rejects claims 56, 57, 59, 60, 100, 101, 120, and 121 at page 13 of the Office action, stating:

In consideration of claim 56— 57, and 59— 60, 100— 101, 120— 121, Norman modified teaches the limitations of claim 38, but does not disclose where the establishing comprises converting analog representations of voice signals to digital representations of voice signals, and converting digital representations of voice signals to analog representations of voice signals and vice versa.

Applicants appreciate recognition of the shortcomings of Norman, and that the Office also seemingly recognizes, by the lack of any citation to Chu, that Chu does not provide the required support for the rejection. The Office, however, then turns to Wadin to overcome the deficiencies of Norman and Chu, and states:

Wadin teaches where the establishing comprises converting analog representations of voice signals to digital representations of voice signals, and converting digital representations of voice signals to analog representations of voice signals and vice versa. (2:[0055] read In FIG. 2, a radio system 200 in accordance with the invention is shown. A detailed discussion of CT-2 systems can be found in two standards documents, the Common Air Interface (CAI) published by The European Telecommunications Standards Institute (ETSI) Version 1.1 Jun. 30, 1991 and MPT 1375 Common Air Interface Specification, May 1989, published by the Department of Trade and Industry, London, which are hereby incorporated by reference. i.e. A/D converters)

Initially Applicants respectfully note that the cited portion of Wadin makes no mention of "A/D conversion," and that the Office has not provided citation to any support in the document mentioned in the cited portion of Wadin. Thus, the unsupported

assertions of the rejection amount to nothing more than conclusory statements. As previously noted, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." To the extent that the Office is asserting inherency, Applicants respectfully submit that the Office has not met the requirements for an assertion of inherency. See MPEP §2112.

In addition, the Office has not provided any explanation or interpretation as to how and why the two standards documents mentioned by Wadin allegedly teach or suggest all of the features of Applicants' claim 56. Because Norman and/or Chu have not been shown to teach or suggest Applicants' claim 56, and the Office has failed to show the required support for the assertion that Wadin somehow teaches Applicants' claim 56, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness with respect to claim 56 in view of the cited art. Therefore, Applicants respectfully submit that claims 56, 59, 100, and 120, and claims 57, 60, 101, and 121 that depend, respectively, from claims 56, 59, 100, and 120, are not rendered unpatentable by the cited art, and are independently allowable over the proposed combination of art. Applicants respectfully submit that claims 57, 60, 101, and 121 are allowable for additional reasons.

Applicants respectfully submits that the Office identifies claims 57, 60, 101, and 121 in the rejection, but fails to even address the features of Applicants' claims 57, 60, 101, and 121, let alone identify relevant teachings of Norman, Chu, and/or Wadin that allegedly teach the claimed features. Applicants respectfully submit, for example, that claim 57 recites, in part, "wherein the converting digital representations of voice signals to analog representations of voice signals comprises buffering the digital representations for a period of time in order to minimize gaps in the resulting analog representation caused by changes in a propagation delay." Claims 60, 101, and 121 recite similar language. A review of Wadin shows that there is nothing in the cited portion beginning at column 2, line 55 that teaches or suggests "buffering", let alone

buffering "digital representations [of voice]," and even further let alone buffering for a period of time, as claimed by claim 57. The Office does not assert that Norman and/or Chu set forth any teachings or suggestions in regard to at least these aspects of claim 57. Therefore, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claims 57, 60, 101, and 121, and that claims 57, 60, 101, and 121 are not rendered unpatentable by Norman, Chu and/or Wadin, taken alone or in combination. Applicants respectfully submit, therefore, that claims 57, 60, 101, and 121 are independently allowable over the cited art.

Accordingly, Applicants respectfully request that the rejection of claims 24, 34-36, 40, 53-57, 59, 60, 67, 77-79, 84, 97-101, 104, and 117-121 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

### **III. The Proposed Combination Of Norman, Chu, And Spiegel Does Not Render Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 Unpatentable**

Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu and Spiegel.

With respect to independent claim 58, Applicants respectfully submit that, as noted above, claim 58 has been amended to recite features similar in many ways to those now recited by claim 22. Applicants again respectfully submit that the rejection of claim 58 fails to address all of the features of claim 58, and that the Office has, therefore, failed to establish a *prima facie* case of obviousness, for at least that reason alone. This clear error on the part of the Office was noted in the prior response. See response filed September 8, 2009 at page 34.

Further, to the extent that amended claim 58 recites aspects of amended claim 22, Applicants respectfully submit that amended claim 58 is allowable over the proposed combination of Norman, Chu and Spiegel, in that the Office has failed to show where Spiegel overcomes the deficiencies in the teachings of Norman and Chu, set forth above. Because claims 59-64 depend from allowable claim 58, Applicants

respectfully submit that claims 59-64 are also allowable over the proposed combination of Norman, Chu and Spiegel as well.

With regard to dependent claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116, Applicants respectfully submit that claims 32, 33, and 37, claims 51 and 52, claims 75, 76, and 80, claims 95 and 96, and claims 115 and 116 depend, respectively, from independent claims 22, 38, 65, 82, and 102. Applicants respectfully submit that independent claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of references, in that Spiegel does not overcome the demonstrated shortcomings of Norman and Chu, as set forth above. Because claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116 depend from allowable claims 22, 38, 65, 82, and 102, Applicants respectfully submit that claims 32, 33, 37, 51, 52, 75, 76, 80, 95, 96, 115, and 116 are also allowable over Norman, Chu, and Spiegel, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

## Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-121 are in condition for allowance. Therefore, allowance of claims 22-121 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission, or to credit any overpayments, to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

Respectfully submitted,

Dated: January 29, 2010  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

By /Kevin E. Borg/  
Kevin E. Borg  
Agent for Applicants  
Reg. No. 51,486